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To: Commissioner for Patents for Examiner Kyle R. Stork Group Art Unit 2178	Facsimile No.: 571/273-8300
From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 47
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal of Appeal Brief; and• Appeal Brief.	
Re: Application No. 09/826,664 Attorney Docket No: AUS920000850US1	
Date: Tuesday, June 27, 2006	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Schroeder**

Serial No.: 09/826,664

Filed: April 5, 2001

For: Method, Apparatus, and
Program for Creating Bookmark
Symlinks

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

§ Group Art Unit: 2178
§
§ Examiner: Stork, Kyle R.
§
§ Attorney Docket No.: AUS920000850US1
§

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§ on June 27, 2006.
§ By: Michèle Morrow
§ Michèle Morrow

TRANSMITTAL OF APPEAL BRIEFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Sir:
ENCLOSED HERewith:

- Appeal Brief (37 C.F.R. 41.37)

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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RECEIVED
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Docket No. AUS920000850US1

JUN 27 2006

PATENT

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Serial No. 09/826,664

Filed: April 5, 2001

For: Method, Apparatus, and Program
for Creating Bookmark Symlinks§
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Group Art Unit: 2178

Examiner: Stork, Kyle R.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBERCertificate of Transmission Under 37 C.F.R. § 1.8(a)I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (571) 273-8300
on June 27, 2006.

By:


Michele MorrowAPPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on May 18, 2006.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

(Appeal Brief Page 1 of 45)
Schroeder - 09/826,664

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-49.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims pending: 1-49.
4. Claims allowed: NONE.
5. Claims rejected: 1-49.
6. Claims objected to: NONE.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-49.

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 30, and 47:

The present invention provides a method in a data processing system for creating symbolic links to bookmarks. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a new bookmark for a document. (Specification, page 13, lines 16-17) The present invention determines whether a reference bookmark already exists for the document in response to receiving the request. (Specification, page 13, lines 17-18) The present invention creates a symbolic link if the reference bookmark for the document already exists. (Specification, page 13, lines 20-25) The present invention links the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 30, as well as dependent claims 31-35, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and bookmark display area 414 of Figure 4 performing the steps described in the specification at page 13, line 3 to page 14, line 25.

Independent claims 9, 36, and 48:

The present invention provides a method in a data processing system for creating symbolic links to bookmarks. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a symbolic link for a document to an already existing reference bookmark. (Specification, page 13, lines 14-15) The present invention identifies the already existing reference bookmark in response to receiving the request. (Specification, page 13, lines 26-28) The present invention creates the symbolic link to the already existing bookmark. (Specification, page 13, line 30) The present invention links the symbolic link to the already existing reference bookmark. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 36, as well as dependent claims 37-40, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and

display area 414 of **Figure 4** performing the steps described in the specification at page 13, line 3 to page 14, line 25.

Independent claims 21, 41, and 49:

The present invention provides a method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a symbolic folder link to an already existing reference bookmark folder. (Specification, page 13, lines 14-15) The present invention identifies the already existing reference bookmark folder in response to receiving the request. (Specification, page 13, lines 29-30) The present invention creates the symbolic folder link to the already existing bookmark folder. (Specification, page 13, line 30) The present invention links the symbolic folder link to the already existing reference bookmark folder. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 41, as well as dependent claims 42-46, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and bookmark display area 414 of **Figure 4** performing the steps described in the specification at page 13, line 3 to page 14, line 25.

Dependent claim 2:

The present invention provides for receiving a name for the symbolic link. (Specification, page 13, lines 26-27)

Dependent claim 3:

The present invention provides for receiving a description for the symbolic link. (Specification, page 13, lines 26-27)

Dependent claims 4 and 31:

The present invention provides for storing a pointer to the already existing reference bookmark in the symbolic link. (Specification, page 12, line 29, to page 13, line 2)

Dependent claims 5 and 32:

The present invention provides for each bookmark including a uniform resource locator for the document. (Specification, page 13, lines 16-20)

Dependent claims 6 and 33:

The present invention provides for comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark. (Specification, page 13, lines 20-23)

Dependent claims 7 and 34:

The present invention provides for, if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link. (Specification, page 13, lines 23-25)

Dependent claims 8 and 35:

The present invention provides for creating the symbolic link in response to a user's request to create the symbolic link. (Specification, page 12, line 29, to page 13, line 2)

Dependent claims 10 and 37:

The present invention provides for presenting at least one existing bookmark. (Specification, page 13, lines 28-29) The present invention provides for and receiving a selection

of a reference bookmark from the at least one existing bookmark. (Specification, page 13, lines 29-30)

Dependent claims 11 and 38:

The present invention provides for presenting the at least one existing bookmark in a tree structure. (Specification, page 10, lines 13-15, and page 13, lines 28-29)

Dependent claims 12 and 39:

The present invention provides for receiving the selection of the reference bookmark in the tree structure. (Specification, page 10, lines 13-15, and page 13, lines 29-30)

Dependent claims 13 and 40:

The present invention provides for displaying a symbolic representation of the symbolic link in the tree structure. (Specification, page 10, lines 13-15, and page 13, lines 30-31)

Dependent claim 14:

The present invention provides for modifications to the reference bookmark being displayed in relation to the symbolic representation of the symbolic link in the tree structure. (Specification, page 10, lines 13-15, and page 14, lines 23-25)

Dependent claim 15:

The present invention provides for each bookmark including a uniform resource locator for the document. (Specification, page 13, lines 16-20)

Dependent claim 16:

The present invention provides for determining whether a bookmark already exists for the document. (Specification, page 13, lines 16-17)

Dependent claim 17:

The present invention provides for comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark. (Specification, page 13, lines 20-23)

Dependent claim 18:

The present invention provides for, if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link. (Specification, page 13, lines 23-25)

Dependent claim 19:

The present invention provides for creating the bookmark link in response to the user's request to create the symbolic link. (Specification, page 13, lines 26-30)

Dependent claim 20:

The present invention provides for storing a pointer to the already existing reference bookmark in the symbolic link. (Specification, page 12, line 29, to page 13, line 2)

Dependent claims 22 and 42:

The present invention provides for presenting at least one existing bookmark folder. (Specification, page 13, lines 28-29) The present invention provides for receiving a selection of a

reference bookmark folder from the at least one existing bookmark folder. (Specification, page 13, lines 29-30)

Dependent claims 23 and 43:

The present invention provides for presenting the at least one existing bookmark folder in a tree structure. (Specification, page 10, lines 13-15, and page 13, lines 28-29)

Dependent claims 24 and 44:

The present invention provides for receiving the selection of the reference bookmark folder in the tree structure. (Specification, page 10, lines 13-15, and page 13, lines 29-30)

Dependent claims 25 and 45:

The present invention provides for displaying a symbolic representation of the symbolic folder link in the tree structure. (Specification, page 10, lines 13-15, and page 13, lines 30-31)

Dependent claims 26 and 46:

The present invention provides for bookmarks added to the reference bookmark folder being displayed in relation to the symbolic representation of the symbolic folder link in the tree structure. (Specification, page 10, lines 13-15, and page 14, lines 23-25)

Dependent claim 27:

The present invention provides for receiving a name for the symbolic folder link. (Specification, page 13, lines 26-27)

Dependent claim 28:

The present invention provides for receiving a description for the symbolic folder link.
(Specification, page 13, lines 26-27)

Dependent claim 29:

The present invention provides for storing a pointer to the reference bookmark folder in the symbolic folder link. (Specification, page 12, line 29, to page 13, line 2)

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION (Claims 1, 9, 10, 30, 36, 37, 47, and 48)

Claims 1, 9, 10, 30, 36, 37, 47, and 48 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan et al.* (U.S. Patent No. 6,460,038 B1) (hereinafter "*Khan '038*"), in view of *Murphy et al.* (U.S. Patent No. 6,096,096), (hereinafter "*Murphy*") and further in view of *Shwarts et al.* (U.S. Patent No. 6,243,071 B1) (hereinafter "*Shwarts*").

B. GROUND OF REJECTION (Claims 2, 3, 5, 15, 16, and 32)

Claims 2, 3, 5, 15, 16, and 32 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts* and further in view of *Bauersfeld* (U.S. Patent No. 5,917,491) (hereinafter "*Bauersfeld*").

C. GROUND OF REJECTION (Claims 4, 20, and 31)

Claims 4, 20, and 31 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts* and further in view of *Reiter* (U.S. Patent No. 5,642,503) (hereinafter "*Reiter*").

D. GROUND OF REJECTION (Claims 6, 17, and 33)

Claims 6, 17, and 33 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, further in view of *Bauersfeld* and further in view of *Himmel et al.* (U.S. Patent No. 6,037,934) (hereinafter "*Himmel*").

E. GROUND OF REJECTION (Claims 7, 8, 34, and 35)

Claims 7, 8, 34, and 35 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, and further in view of *Isreal et al.* (U.S. Patent No. 6,330,007 B1) (hereinafter "*Isreal*").

F. GROUND OF REJECTION (Claims 11-14 and 38-40)

Claims 11-14 and 38-40 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, and further in view of *Crandall et al.* (U.S. Patent No. 6,321,228 B1) (hereinafter "*Crandall*").

G. GROUND OF REJECTION (Claims 18 and 19)

Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, further in view of *Isreal*, and further in view of *Bauersfeld*.

H. GROUND OF REJECTION (Claims 21, 22, 41, 42, and 49)

Claims 21, 22, 41, 42, and 49 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, and further in view of *Khan et al.* (U.S. Patent No. 6,427,175 B1) (hereinafter "*Khan '175*").

I. GROUND OF REJECTION (Claims 23-26 and 43-46)

Claims 23-26 and 43-46 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, further in view of *Khan '175*, and further in view of *Crandall*.

J. GROUND OF REJECTION (Claims 27 and 28)

Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, further in view of *Khan '175* and further in view of *Bauersfeld*.

K. GROUND OF REJECTION (Claim 29)

Claim 29 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Khan '038* in view of *Murphy*, further in view of *Shwarts*, further in view of *Khan '175*, and further in view of *Reiter*.

ARGUMENT

A. 35 U.S.C. § 103, Obviousness, Claims 1, 9, 10, 30, 36-37, and 47-48

Claim 1 is representative of these claims and reads as follows:

1. A method in a data processing system for creating symbolic links to bookmarks, comprising:
 - receiving a request to create a new bookmark for a document;
 - in response to receiving the request, determining whether a reference bookmark already exists for the document;
 - if the reference bookmark for the document already exists, creating a symbolic link; and
 - linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In this case, *Khan '038*, *Murphy*, and *Shwartz*, either alone or in combination, do not teach or suggest in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created. Also, the cited references do not provide any teaching, suggestion, or incentive to combine or modify the teachings in the manner necessary to reach the presently claimed invention.

Khan '038, *Murphy*, and *Shwartz*, taken alone or in combination, do not teach or suggest to, in response to receiving a request to create a new bookmark, determine whether a reference bookmark already exists for the document. The Examiner acknowledges that *Khan '038* does not teach this feature. However, the Examiner alleges that this feature is taught by *Shwartz* in the following section:

If decision step 314 determines that a bookmark has not been selected from the dialog box, the process moves to a decision step 318 which determines whether the "mark this page" button 332 (FIG. 16) has been selected. If so, a decision step 320 determines whether a bookmark already exists for the current page. Because only one bookmark should be inserted in a given page, an affirmative answer to decision step 320 results in the system ignoring the request

to create a new bookmark. The process then proceeds to steps 308 and 328. If there is no bookmark on the current page, a process step 322 creates a new bookmark for the current page and returns process control to step 308. If the "mark this page" button has not been selected, decision step 318 directs the process to decision step 324 which determines whether the "return to previous page" button 334 (FIG. 16) has been selected. If so, a process step 325 sets the current page equal to the previous page (i.e., the page displayed immediately before the currently displayed page) and displays the previous page (i.e., the new current page) as described above. Thereafter, process control returns to step 308. If none of the user events described in decision steps 304, 306, 310, 314, 318, and 324 has occurred (i.e., the answer to each of these steps is negative), the system awaits the occurrence of one of them by keeping the dialog box open. This is represented by the process control looping back to step 304 from step 324 when the answer to step 324 is negative.

(*Shwartz*, column 18, line 60, to column 19, line 19)

In this section, *Shwartz* describes not creating a bookmark in response to determining whether a bookmark already exists. Thus, while *Shwartz* may determine if a bookmark already exists, the operation of *Shwartz* rejects creating a bookmark upon the determination that the bookmark already exists within a page. *Shwartz*'s teachings are completely opposite of *Khan '038*'s teachings that were previously relied upon as teaching the presently claimed feature. That is, *Khan '038* merely describes the creation of a bookmark where a command is received to create a bookmark to a website, a bookmark is created forming a link to the website which will be accessed upon selection of the bookmark, storing the bookmark on a remote network server, storing a local bookmark on a client computer, and calling the bookmark stored on the remote network server upon detecting user selection of the local bookmark (see *Khan '038*, Abstract). *Khan '038* does not provide for a determination of whether a bookmark already exists, but, rather, merely creates a new bookmark. Thus, the *Khan '038* user may simply have multiple bookmarks referencing the same website.

In response to these arguments, the Examiner states:

The examiner respectfully disagrees. *Khan* teaches creation of bookmarks to a website, which the applicant acknowledges (Remarks: page 12). Further, the applicant acknowledges that *Shwartz* teaches determining whether a bookmark to a page already exists (Remarks: pages 11-12; *Shwartz*: column 18, line 60-column 19, line 19). The applicant's argument appears to focus on the belief that *Shwartz* in combination with *Khan* and *Murphy* fails to teach or suggest creation of a symbolic link if the bookmark for the document already exists (page 12). However, the examiner respectfully disagrees. As *Shwartz* discloses, each page

should only have one bookmark associated with it (column 18, line 60- column 19, line 19). Maintaining several links to the same page would unnecessarily occupy extra memory. However, the use of symbolic links eliminates this problem, as symbolic links are small pointer files, allowing multiple names for the same file. In the event that a bookmark already exists, as determined by Shwartz, Murphy's use of symbolic links would allow for an alias bookmark to be added to the already existing bookmark.

(Final Office Action, dated April 19, 2006, pages 13-14)

Appellant respectfully submits that the statement that "*Shwartz*' teachings are completely opposite of *Khan '038*'s" is focused on that fact that *Shwartz* describes not creating a bookmark in response to determining whether a bookmark already exists and *Khan '038* does not provide for a determination of whether a bookmark already exists, but, rather, merely creates a new bookmark. Thus, the *Khan '038* user may simply have multiple bookmarks referencing the same website. Thus, Appellant respectfully submits that *Shwartz*' teachings are completely opposite of *Khan '038*'s. That is *Shwartz* does not create a bookmark and *Khan '038* does create a bookmark.

Therefore, *Khan '038* does not determine whether a bookmark already exists and merely creates a duplicate bookmark and *Shwartz* describes not creating a bookmark in response to determining whether a bookmark already exists. Thus, *Khan '038* and *Shwartz*, either alone or in combination, do not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and links the symbolic link to the already existing reference bookmark, as claimed in the present invention. The Examiner acknowledges that *Khan '038* and *Shwartz* do not teach or suggest these features. However, the Examiner alleges that these features are taught by *Murphy* in the following section:

If, at step 304, libmcd 204 determines that the end-user selected information is not on any of the plurality of compact discs containing the present Web site information, the present invention proceeds to step 312. At step 312, the present invention returns the fstat information from the operating system 208 of the present invention. If the desired information is not available via operating system 208, or otherwise available to the end-user, the Web server 202 returns a "file not found", "URL not located", or similar message, to the end-user via browser 200.

Virtual Document Root Design

In the present invention, the virtual document root is fundamentally composed of a symbolic link (symlink) to any one of the mounted compact discs in order to provide access to the common files. A symlink is said to be "dangling"

when the symlink points to information which is not presently available. Once the symlink points to information which is presently available, the symlink is said to be static. In the present invention, a dangling symlink occurs when the symlink points to Web site information residing on a compact disc which is not currently mounted. Additionally, the virtual document root of the present invention is further comprised of a toolbox directory composed of symlinks to files and directories on the compact discs. These symlinks are static links which are created when the portable, off-line, Web site is created during the installation of the present invention. In the present embodiment, installation of the present invention occurs when the end-user starts the browsing process which first causes the Web server 202 to be initiated, followed by the initiation of the Web Browser 200. That is, the installation of the present invention happens in the background and is, thus, hidden from the end-user. As a result, the present invention appears to the end-user to emulate accessing a Web site using a standard on-line connection.

In a Web site having, for example, 24 thousand files, it could take tens of minutes and hundreds of megabytes of disk space to build a complete file-by-file linked tree. Such requirements are prohibitively burdensome to be used in the present embodiment of the present invention. Thus, the present invention employs a different method to build directories and subdirectories of the Web site information stored on the plurality of compact discs. In the present invention, there are large "chunks of data" collectively located on a particular compact disc (e.g. all of a directory and its subdirectories). The present invention creates a single symbolic link to the top directory of these "chunks". Any files above a chunk are linked on a file-by-file basis. For instance, any files in the parent directories of a chunk directory are linked on a file-by-file basis.

(*Murphy*, column 9, lines 5-55)

In this section, *Murphy* describes a symbolic link (symlink) that is an access link to a file residing on any one of the **mounted compact discs**. The symlink may be dangling or static. A dangling symlink points to information which is not presently available **on a compact disc which is not currently mounted**. A static symlink points to information that is presently available **on a compact disc that is currently mounted**. Thus, *Murphy* teaches a method of creating symbolic links to information on mounted compact discs. *Murphy* does not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and linking the symbolic link **to the already existing reference bookmark**, wherein a new bookmark is not created.

Appellant respectfully submits that the *Murphy* reference is inappropriately applied to the presently claimed invention. The present invention is directed to creating symbolic links to bookmarks. The *Murphy* reference is directed to emulating on-line accessing of information in

an off-line environment. Thus, one of ordinary skill in the art would not even look at *Murphy* to solve the problems addressed by the present invention, let alone be motivated to modify *Murphy* to arrive at the invention recited in claims 1, 30, and 47. Other than the *Murphy* reference merely mentioning the term "symbolic link," the *Murphy* reference is not directed to solving the same problem as the presently claimed invention. Therefore, the cited references, when considered as a whole, does not teach or suggest each and every claim limitation; thus, claims 1, 30, and 47 cannot be rendered obvious by a combination of *Khan '038*, *Murphy*, and *Shwartz*. That is, *Khan '038* merely manipulates a newly created bookmark, *Murphy* merely creates a symbolic link to files on mounted compact discs, and *Shwartz* rejects creating a bookmark in response to determining whether a bookmark already exists.

In response to these arguments, the Examiner states:

Symbolic links are well known in the art to be a special file type, which is a small pointer file, allowing multiple names for the same file. Unlike hard links, symbolic links can be made for directories and can be made across file systems. Commands that access the file being pointed to are said to follow the symbolic link. Commands that access the link itself do not follow the symbolic link. This allows a user to have multiple names for a link pointing to the same file or document. Although *Murphy* does not specifically disclose using symbolic links in conjunction with bookmarks, *Khan* discloses bookmarks incorporating links (column 18, lines 15-65). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined *Khan* and *Murphy*, since it would have facilitated access to data on other file systems. Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined *Khan* and *Murphy*, since it would have allowed a user to maintain several names for a link pointing to the same resource.

(Final Office Action, dated April 19, 2006, page 13)

Appellant respectfully submits that the mere fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989) and also see *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) and *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1993). The Examiner may not merely state that the modification would have been obvious to one of ordinary skill in the art without pointing out in the prior art a suggestion of the desirability of the proposed modification. While *Khan* may disclose bookmarks incorporating links, the *Murphy* reference is directed to emulating on-line

accessing of information in an off-line environment. As discussed above, the *Murphy* reference is not directed to solving the same problem as the presently claimed invention. Therefore, the prior art, when considered as a whole, does not teach or suggest each and every claim limitation, thus, claims 1, 30, and 47 cannot be rendered obvious by a combination of *Khan '038*, *Murphy*, and *Shwarts*.

Independent claims 9, 36 and 48 recite similar features to that of independent claims 1, 30, and 47. That is, independent claim 9, which is representative of the other rejected independent claims 36 and 48 with respect to similarly recited subject matter, recites "receiving a request to create a symbolic link for a document to an already existing reference bookmark, identifying the already existing reference bookmark in response to receiving the request, creating the symbolic link to the already existing bookmark; and linking the symbolic link to the already existing reference bookmark." (emphasis added)

Moreover, neither of the references teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation found or suggested in either reference for the alleged combination. The Examiner alleges that the motivation would be to facilitate access to data on other file systems. However, as discussed, *Khan '038* merely manipulates a newly created bookmark, *Murphy* merely creates a symbolic link to files on mounted compact discs, and *Shwarts* rejects creating a bookmark in response to determining whether a bookmark already exists. None of the reference teaches or suggests in response to receiving a request to create a new bookmark for a document, determining whether a reference bookmark already exists for the document, creating a symbolic link if the reference bookmark for the document already exists, and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Appellant's claimed invention thereby constituting impermissible hindsight reconstruction using Appellant's own disclosure as a guide.

One of ordinary skill in the art, being presented only with *Khan '038*, *Murphy*, and *Shwarts*, and without having a prior knowledge of Appellant's claimed invention, would not have found it obvious to combine and modify *Khan '038*, *Murphy*, and *Shwarts* to arrive at Appellant's claimed invention. To the contrary, even if one were somehow motivated to

combine *Khan '038*, *Murphy*, and *Shwartz*, and it were somehow possible to combine the systems, the result would not be the invention, as recited in claim 1. The resulting system still would not determine whether a reference bookmark already exists for the document in response to receiving a request to create a new bookmark for a document, creating a symbolic link if the reference bookmark for the document already exists, and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

In view of the above, Appellant respectfully submits that the *Khan '038*, *Murphy*, and *Shwartz*, taken alone or in combination, fail to teach or suggest the features of claims 1, 9, 30, 36, 47, and 48. At least by virtue of their dependency on claims 9 and 36, the features of dependent claims 10 and 37 are not taught or suggested in the *Khan '038*, *Murphy*, and *Shwartz*, whether taken individually or in combination. Accordingly, Appellant respectfully requests the rejection of claims 1, 9, 10, 30, 36, 37, 47 and 48 under 35 U.S.C. § 103 not be sustained.

B. 35 U.S.C. § 103, Obviousness, Claims 2, 3, 5, 15, 16, and 32

Claims 2, 3, 5, 15, 16 and 32 are dependent on independent claims 1, 9, and 30 and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwartz* for at least the reasons noted above with regards to claims 1, 9, and 30. Moreover, *Bauersfeld* does not provide for the deficiencies of *Khan '038*, *Murphy*, and *Shwartz* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Shwartz*, and *Bauersfeld* would not be sufficient to reject independent claims 1, 9, and 30 or claims 2, 3, 5, 15, 16, and 32 by virtue of their dependency. *Bauersfeld* is directed to a page proxy that manages representations of page information, such as Web page locations in the form of Uniform Resource Locators (URLs), which are presented as Web page bookmarks.

With regard to claim 16, *Khan '038*, *Murphy*, *Shwartz*, and *Bauersfeld*, taken alone or in combination, fail to teach or suggest in response to receiving a request to create a new bookmark for a document, determining whether a reference bookmark already exists for the document, creating a symbolic link if the reference bookmark for the document already exists, and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created. As discussed above, *Khan '038* does not provide for a determination of whether a bookmark already exists in response to receiving a request to create a new

bookmark for a document, but, rather, would merely create a new bookmark. *Shwarts* rejects creating a bookmark in response to determining whether a bookmark already exists. Thus, the *Khan '038* user would have the capability of creating multiple bookmarks referencing the same website and *Shwarts* would not create a bookmark at all. *Murphy* is directed to emulating on-line accessing of information in an off-line environment and is not relied upon as teaching this feature. While *Bauersfeld* provides a page proxy for managing representations of page information, *Bauersfeld* does not determine whether a bookmark already exists for the document.

Moreover, the Examiner may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Appellant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Khan '038*, *Murphy*, *Shwarts*, and *Bauersfeld* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Appellant's disclosure as a model for the needed changes.

In view of the above, *Khan '038*, *Murphy*, *Shwarts*, and *Bauersfeld*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 9, and 30, from which claims 2, 3, 5, 15, 16, and 32 depend. Accordingly, Appellant respectfully requests the rejection of claims 2, 3, 5, 15, 16 and 32 under 35 U.S.C. § 103 not be sustained.

C. 35 U.S.C. § 103, Obviousness, Claims 4, 20, and 31

Claims 4, 20, and 31 are dependent on independent claims 1, 9, and 30 and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwarts* for at least the reasons noted above with regards to claims 1, 9, and 30. Moreover, *Reiter* does not provide for the deficiencies of *Khan '038*, *Murphy*, and *Shwarts* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Shwarts*, and *Reiter* would not be sufficient to reject independent claims 1, 9, and 30 or claims 4, 20, and 31 by virtue of their dependency. *Reiter* is directed to implementing concurrent edits of a database record by a plurality of users. *Reiter* allocates a fixed mount of storage space in the

computer system's main memory for each of the plurality of users. The fixed amount of storage space is for storing versions of the record created as a result of the user modifying the record.

With regard to claims 4, 20, and 31, *Khan '038*, *Murphy*, *Shwartz*, and *Reiter*, taken alone or in combination, fails to teach or suggest wherein the step of linking the symbolic link to the **already existing** reference bookmark comprises storing a pointer to the **already existing** reference bookmark in the symbolic link. The Examiner alleges that *Reiter* teaches this feature in the following section:

FIG. 3 is a block diagram of an entry 301 in the version store 105. The entry 301 comprises an address field 302, a user identification field 303, a commit time field 304, a forward link field 305, a backward link field 306, and a data field 307. The address field 302 contains the location of a corresponding record in the database 106. Preferably, the location of any record is represented by a page identifier and an offset to indicate the location of the record on the page. The user identification field 303 indicates which user caused the version to be created. The commit time field 304 indicates when the entry was committed. A user may undo or roll back an entry at any point in time before commit time. The forward link field 305 and the backward link field 306 contain pointers to other entries (i.e. versions) for the same record. The forward link field 305 contains a pointer to the next older entry (according to commit time) and the backward link field 306 contains a pointer to the next youngest entry (according to commit time). This linked list of entries in the version store 105 is referred to as a version chain. The data field 306 contains a copy of the record before begin time of the modification transaction.

(*Reiter*, column 3, line 65, to column 4, line 20)

In this section *Reiter* merely describes an entry in a version store that provides a forward link and a backward link that allows a user to undo or roll back an entry at any point in time before commit time. Thus, the user may go back to previous versions of a document or forward to the next older version until the user commits to a version. While *Reiter* may provide for the linking of different versions of a document, *Reiter* does not teach or suggest linking the symbolic link to the **already existing** reference bookmark which comprises storing a pointer to the **already existing** reference bookmark in the symbolic link.

In view of the above, *Khan '038*, *Murphy*, *Shwartz*, and *Reiter*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 9, and 30, from which claims 4, 20, and 31 depend. Accordingly, Appellant respectfully requests the rejection of claims 4, 20, and 31 under 35 U.S.C. § 103 not be sustained.

D. 35 U.S.C. § 103, Obviousness, Claims 6, 17, and 33

Claims 6, 17, and 33 are dependent on independent claims 1 and 30 and, thus, these claims distinguish over *Khan '038, Murphy, and Shwarts* for at least the reasons noted above with regards to claims 1 and 30. Moreover, *Bauersfeld* and *Himmel* do not provide for the deficiencies of *Khan '038, Murphy, and Shwarts* and, thus, any alleged combination of *Khan '038, Murphy, Shwarts, Bauersfeld, and Himmel* would not be sufficient to reject independent claims 1 and 30 or claims 6, 17, and 33 by virtue of their dependency. As discussed above, *Bauersfeld* is directed to a page proxy that manages representations of page information, such as Web page locations in the form of Uniform Resource Locators (URLs), which are presented as Web page bookmarks. *Himmel* is directed to providing a plurality of bookmark sets to access the Internet. *Himmel* stores a plurality of bookmark sets in a computer system having a browser, each bookmark set includes a respective set of Uniform Resource Locators (URLs). When a request to retrieve an Internet file from a designated URL is detected, e.g., by hyperlink, the designated URL is checked against the URLs in the active bookmark set. Only if there is a match between the designated URL and a respective URL in the active bookmark set is the request allowed to proceed. However, *Khan '038, Murphy, Shwarts, Bauersfeld, and Himmel*, taken alone or in combination, do not teach or suggest in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

In view of the above, *Khan '038, Murphy, Shwarts, Bauersfeld, and Himmel*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 30, from which claims 6, 17, and 33 depend. Accordingly, Appellant respectfully requests the rejection of claims 6, 17, and 33 under 35 U.S.C. § 103 not be sustained.

E. 35 U.S.C. § 103, Obviousness, Claims 7, 8, 34, and 35

Claims 7, 8, 34, and 35 are dependent on independent claims 1 and 30 and, thus, these claims distinguish over *Khan '038, Murphy, and Shwarts* for at least the reasons noted above

with regards to claims 1 and 30. Moreover, *Isreal* does not provide for the deficiencies of *Khan '038, Murphy, and Shwartz* and, thus, any alleged combination of *Khan '038, Murphy, Shwartz, and Isreal* would not be sufficient to reject independent claims 1 and 30 or claims 7, 8, 34, and 35 by virtue of their dependency. *Isreal* is directed to a Microsoft Windows-based tool for prototyping and specifying a graphical user interface having dynamic keys.

With regard to claims 7, 8, 34, and 35, *Khan '038, Murphy, Shwartz, and Isreal*, taken alone or in combination, fail to teach or suggest if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link. The Examiner alleges that *Isreal* teaches this feature in the following section:

A Screen List 1050 lists the screens in the database and allows selection. Double-clicking a screen selects it and performs the OK-button function. The resizable-column widths are saved in the initialization file 390. Selecting a Find Button 1040 opens the Find Dialog Box 1100 (FIG. 11), which allows the user to search for a screen by screen ID, screen name, title, prompt or message. If this dialog box was accessed from the user screen 700, selecting the OK button closes this dialog box and displays the selected screen. If this dialog box 1100 was accessed from a Go To button on the Receipt & Status Area, Dynakeys, or Static Keys tabs in the Screen Design Dialog Box 1000, selecting the OK button closes this dialog box and displays the selected screen ID in the Go To field.

If a new screen ID has been entered, selecting the OK button results in a search of the screen list to determine whether the entered screen ID is in fact new. If a match is found (the entered screen ID is not new), a message box opens, explaining that the screen already exists and prompting whether to display it or have the pick-list item, Dynakey, or static key navigate to it. If a match is not found (the entered screen ID is new), opens a prompt box asking whether the user would like to create the screen. If the response is Yes, opens a Create Screen Dialog Box 1200.

Selecting a Cancel Button closes the dialog box without performing any actions. A Find Dialog Box 1100 is depicted in FIG. 11 which allows the user to search the screen list in the Screen Selection Dialog Box 1000 for a screen ID screen name, title, prompt or message. The Find Dialog Box 1100 opens when the Find button is selected in the Screen Selection Dialog Box 1000.

(*Isreal*, column 12, lines 30-45)

In this section *Isreal* merely describes that if a user enters a new screen ID, then a search of a current screen list is made to determine if the screen ID is in fact new. Nowhere in this section, or any other section of *Isreal*, is it taught or suggested to determine whether a reference

bookmark already exists for the document for which the request to create the new bookmark is received. *Khan '038, Murphy, Shwarts, and Isreal* fail to create a bookmark link which is linked to an already existing reference bookmark. Thus, none of the cited references would need to determine whether a reference bookmark already exists for the document for which the request to create the new bookmark is received and if the reference bookmark for the document already exists, to prompt a user whether to create the symbolic link, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link.

In view of the above, *Khan '038, Murphy, Shwarts, and Isreal*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 30, from which claims 7, 8, 34, and 35 depend. Accordingly, Appellant respectfully requests the rejection of claims 7, 8, 34, and 35 under 35 U.S.C. § 103 not be sustained.

F. 35 U.S.C. § 103, Obviousness, Claims 11-14, and 38-40

Claims 11-14 and 38-40 are dependent on independent claims 9 and 36 and, thus, these claims distinguish over *Khan '038, Murphy, and Shwarts* for at least the reasons noted above with regards to claims 9 and 36. Moreover, *Crandall* does not provide for the deficiencies of *Khan '038, Murphy, and Shwarts* and, thus, any alleged combination of *Khan '038, Murphy, Shwarts, and Crandall* would not be sufficient to reject independent claims 9 and 36 or claims 11-14 and 38-40 by virtue of their dependency. *Crandall* is directed to enabling Internet users to access selected records retrieved from result sets that are derived from earlier search queries. The *Crandall* invention tracks and ranks selected records that users deemed valuable to a search query. However, *Khan '038, Murphy, Shwarts, and Crandall*, taken alone or in combination, do not teach or suggest, in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

In view of the above, *Khan '038, Murphy, Shwarts, and Crandall*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 9 and 36,

from which claims 11-14 and 38-40 depend. Accordingly, Appellant respectfully requests the rejection of claims 11-14 and 38-40 under 35 U.S.C. § 103 not be sustained.

G. 35 U.S.C. § 103, Obviousness, Claims 18 and 19

Claims 18 and 19 are dependent on independent claim 9 and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwarts* for at least the reasons noted above with regards to claim 9. Moreover, *Bauersfeld* and *Isreal* do not provide for the deficiencies of *Khan '038*, *Murphy*, and *Shwarts* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Shwarts*, *Bauersfeld*, and *Isreal* would not be sufficient to reject independent claim 9 or claims 18 and 19 by virtue of their dependency. Additionally, the Examiner rejects claims 18 and 19 under similar rationale with respect to claims 7, 8, and 16. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 7, 8, and 16 above.

In view of the above, *Khan '038*, *Murphy*, *Shwarts*, *Bauersfeld*, and *Isreal*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 9, from which claims 18 and 19 depend. Accordingly, Appellant respectfully requests the rejection of claims 18 and 19 under 35 U.S.C. § 103 not be sustained.

H. 35 U.S.C. § 103, Obviousness, Claims 21, 22, 41, 42, and 49

Claim 21 is representative of these claims and reads as follows:

21. A method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:
- receiving a request to create a symbolic folder link to an already existing reference bookmark folder;
 - in response to receiving the request, identifying the already existing reference bookmark folder;
 - creating the symbolic folder link to the already existing bookmark folder;
 - and
 - linking the symbolic folder link to the already existing reference bookmark folder.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23

U.S.P.Q.2d 1780 (Fed. Cir. 1992). In this case, *Khan '038*, *Murphy*, *Shwartz*, and *Khan '175*, either alone or in combination, do not teach or suggest **in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder**, identifying the already existing reference bookmark folder, creating the symbolic folder link to the already existing bookmark folder, and **linking the symbolic folder link to the already existing reference bookmark folder**.

The Examiner rejects claims 21, 41, and 49 under similar rationale with respect to claims 1, 30, and 47. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 1, 30, and 47 above. That is, *Khan '038* is merely describing the creation of a bookmark where a command is received to create a bookmark to a website, a bookmark is created forming a link to the website which will be accessed upon selection of the bookmark, storing the bookmark on a remote network server, storing a local bookmark on a client computer, and calling the bookmark stored on the remote network server upon detecting user selection of the local bookmark. *Shwartz* rejects creating a bookmark in response to determining whether a bookmark already exists. *Khan '038* and *Shwartz*, either alone or in combination, do not teach or suggest identifying the already existing reference bookmark folder **in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder**.

Although the Examiner acknowledges with respect to claims 1, 30, and 47 that *Khan '038* does not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and links the symbolic link to the already existing reference bookmark, the same acknowledgement is not made with respect to claims 21, 41, and 49. Additionally, although *Shwartz* and *Murphy* are included in the general rejection, any specific section of *Murphy* reference is not applied in the rejection. (See page 9-10 of the Office Action dated November 21, 2005) Nonetheless, *Murphy* teaches a method of creating symbolic links to information on mounted compact discs. *Murphy* does not teach or suggest creating the symbolic folder link to the already existing bookmark folder, and **linking the symbolic folder link to the already existing reference bookmark folder**. The presently claimed invention identifies the already existing reference bookmark folder in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder, creates the symbolic

folder link to the already existing bookmark folder and links the symbolic folder link to the already existing reference bookmark folder. *Khan '175* is directed to sharing access operations of at least one bookmark node with an associated access level for each access operations by at least two identified Web users. *Khan '175* includes allowing performance and barring performance of the access operation by an identified web user of the bookmark node. *Khan '038* and *Khan '175* do not provide for identifying if a reference bookmark folder already exists, but, rather, would merely create a new bookmark folder. *Shwartz* rejects creating a bookmark in response to determining whether a bookmark already exists. Thus, the *Khan '038* and *Khan '175* user would have the capability of having multiple bookmarks folders. The *Shwartz* user would be rejected from creating a bookmark in response to determining whether a bookmark already exists. *Murphy* merely creates symbolic links to files on mounted compact discs.

Thus, *Khan '038*, *Murphy*, *Shwartz*, and *Khan '175*, taken alone or in combination, do not teach or suggest the features of independent claims 21, 41, and 49 as is required under 35 U.S.C. § 103(a). At least by virtue of their dependency on independent claims 21 and 41, the specific features of dependent claims 22 and 42 are not taught by *Khan '038*, *Murphy*, *Shwartz*, and *Khan '175*, either alone or in combination. Accordingly, Appellant respectfully requests the rejection of claims 21, 22, 41, 42, and 49 under 35 U.S.C. § 103 not be sustained.

I. 35 U.S.C. § 103, Obviousness, Claims 23-26, and 43-46

Claims 23-26 and 43-46 are dependent on independent claims 21 and 41 and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwartz* for at least the reasons noted above with regards to claims 21 and 41. Moreover, *Khan '175* and *Crandall* do not provide for the deficiencies of *Khan '038* and *Murphy* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Khan '175*, and *Crandall* would not be sufficient to reject independent claims 21 and 41 or claims 23-26 and 43-46 by virtue of their dependency. Additionally, the Examiner rejects claims 18 and 19 under similar rationale with respect to claims 10-14. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 10-14 above. As discussed above, *Crandall* is directed to enabling Internet users to access selected records retrieved from result sets that are derived from earlier search queries. The *Crandall*

invention tracks and ranks selected records that users deemed valuable to a search query. However, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Crandall*, taken alone or in combination, do not teach or suggest, in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder, identifying the already existing reference bookmark folder, creating the symbolic folder link to the already existing bookmark folder, and linking the symbolic folder link to the already existing reference bookmark folder.

In view of the above, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Crandall*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 21 and 41, from which claims 23-26 and 43-46 depend. Accordingly, Appellant respectfully requests the rejection of claims 23-26 and 43-46 under 35 U.S.C. § 103 not be sustained.

J. 35 U.S.C. § 103, Obviousness, Claims 27 and 28

Claims 27 and 28 are dependent on independent claim 21, and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwarts* for at least the reasons noted above with regards to claim 21. Moreover, *Khan '175* and *Bauersfeld* do not provide for the deficiencies of *Khan '038*, *Murphy*, and *Shwarts* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Bauersfeld* would not be sufficient to reject independent claim 21 or claims 27 and 28 by virtue of their dependency. Additionally, the Examiner rejects claims 27 and 28 under similar rationale with respect to claims 1-3. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 1-3 above. *Bauersfeld* is directed to a page proxy that manages representations of page information, such as Web page locations in the form of Uniform Resource Locators (URLs), which are presented as Web page bookmarks. However, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Bauersfeld*, taken alone or in combination, do not teach or suggest, in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

In view of the above, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Bauersfeld*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 21, from which claims 27 and 28 depend. Accordingly, Appellant respectfully requests the rejection of claims 27 and 28 under 35 U.S.C. § 103 not be sustained.

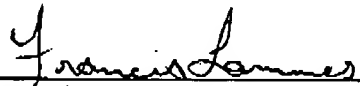
K. 35 U.S.C. § 103, Obviousness, Claim 29

Claim 29 is dependent on independent claim 21, and, thus, these claims distinguish over *Khan '038*, *Murphy*, and *Shwarts* for at least the reasons noted above with regard to claim 21. Moreover, *Khan '175* and *Reiter* do not provide for the deficiencies of *Khan '038*, *Murphy*, and *Shwarts* and, thus, any alleged combination of *Khan '038*, *Murphy*, *Shwarts*, *Khan '175* and *Reiter* would not be sufficient to reject independent claim 21 or claim 29 by virtue of their dependency. Appellant respectfully submits that claim 29 is similar to claim 4 and, thus, Appellant respectfully submits that this claim is sufficiently addressed with respect to claim 4 above. *Reiter* is directed to implementing concurrent edits of a database record by a plurality of users. *Reiter* allocates a fixed amount of storage space in the computer system's main memory for each of the plurality of users. The fixed amount of storage space is for storing versions of the record created as a result of the user modifying the record. However, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175*, and *Reiter*, taken alone or in combination, do not teach or suggest, in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

In view of the above, *Khan '038*, *Murphy*, *Shwarts*, *Khan '175* and *Reiter*, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 21, from which claim 29 depends. Accordingly, Appellant respectfully requests the rejection of claims 29 under 35 U.S.C. § 103 not be sustained.

CONCLUSION

In view of the above, Appellant respectfully submits that claims 1-49 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the rejections set forth in the Final Office Action.


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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for creating symbolic links to bookmarks, comprising:
 - receiving a request to create a new bookmark for a document;
 - in response to receiving the request, determining whether a reference bookmark already exists for the document;
 - if the reference bookmark for the document already exists, creating a symbolic link; and
 - linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.
2. The method of claim 1, further comprising:
 - receiving a name for the symbolic link.
3. The method of claim 1, further comprising:
 - receiving a description for the symbolic link.
4. The method of claim 1, wherein the step of linking the symbolic link to the already existing reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link.

5. The method of claim 1, wherein each bookmark includes a uniform resource locator for the document.
6. The method of claim 5, wherein the step of determining whether a reference bookmark already exists for the document comprises comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.
7. The method of claim 1, further comprising:
if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link.
8. The method of claim 7, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link.
9. A method in a data processing system for creating symbolic links to bookmarks, comprising:
receiving a request to create a symbolic link for a document to an already existing reference bookmark;
in response to receiving the request, identifying the already existing reference bookmark;
creating the symbolic link to the already existing bookmark; and
linking the symbolic link to the already existing reference bookmark.

10. The method of claim 9, wherein the step of identifying the already existing reference bookmark comprises:

presenting at least one existing bookmark;

receiving a selection of a reference bookmark from the at least one existing bookmark;

11. The method of claim 10, wherein the step of presenting at least one existing bookmark comprises presenting the at least one existing bookmark in a tree structure.

12. The method of claim 11, wherein the step of receiving a selection of a reference bookmark comprises receiving the selection of the reference bookmark in the tree structure.

13. The method of claim 11, further comprising:

displaying a symbolic representation of the symbolic link in the tree structure.

14. The method of claim 13, wherein modifications to the reference bookmark are displayed in relation to the symbolic representation of the symbolic link in the tree structure.

15. The method of claim 9, wherein each bookmark includes a uniform resource locator for the document.

16. The method of claim 15, wherein the step of identifying a reference bookmark comprises: determining whether a bookmark already exists for the document.

17. The method of claim 16, wherein the step of determining whether a bookmark already exists for the document comprises comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.

18. The method of claim 16, further comprising:
if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link.

19. The method of claim 18, wherein the step of creating the symbolic link comprises creating the bookmark link in response to the user's request to create the symbolic link.

20. The method of claim 9, wherein the step of linking the symbolic link to the reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link.

21. A method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:
receiving a request to create a symbolic folder link to an already existing reference bookmark folder;
in response to receiving the request, identifying the already existing reference bookmark folder;
creating the symbolic folder link to the already existing bookmark folder; and
linking the symbolic folder link to the already existing reference bookmark folder.

22. The method of claim 21, wherein the step of identifying the already existing reference bookmark folder comprises:

presenting at least one existing bookmark folder;

receiving a selection of a reference bookmark folder from the at least one existing bookmark folder;

23. The method of claim 22, wherein the step of presenting at least one existing bookmark folder comprises presenting the at least one existing bookmark folder in a tree structure.

24. The method of claim 23, wherein the step of receiving a selection of a reference bookmark folder comprises receiving the selection of the reference bookmark folder in the tree structure.

25. The method of claim 23, further comprising:
displaying a symbolic representation of the symbolic folder link in the tree structure.

26. The method of claim 25, wherein bookmarks added to the reference bookmark folder are displayed in relation to the symbolic representation of the symbolic folder link in the tree structure.

27. The method of claim 21, further comprising:
receiving a name for the symbolic folder link.

28. The method of claim 21, further comprising:
receiving a description for the symbolic folder link.
29. The method of claim 21, wherein the step of linking the symbolic folder link to the already existing reference bookmark folder comprises storing a pointer to the reference bookmark folder in the symbolic folder link.
30. An apparatus for creating symbolic links to bookmarks, comprising:
at least one existing bookmark; and
a bookmark editor that receives a request to create a new bookmark for a document, determines whether a reference bookmark already exists for the document within the at least one existing bookmark in response to receiving the request, creates a symbolic link if the reference bookmark for the document already exists, and links the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.
31. The apparatus of claim 30, wherein the bookmark editor links the symbolic link to the already existing reference bookmark by storing a pointer to the already existing reference bookmark in the symbolic link.
32. The apparatus of claim 30, wherein each bookmark includes a uniform resource locator for the document.

33. The apparatus of claim 32, wherein the bookmark editor determines whether a reference bookmark already exists for the document by comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.

34. The apparatus of claim 30, wherein the bookmark editor prompts a user whether to create the symbolic link if the reference bookmark for the document already exists.

35. The apparatus of claim 34, wherein the bookmark editor creates the symbolic link in response to a user's request to create the symbolic link.

36. An apparatus for creating a plurality of symbolic links to bookmarks from a single reference bookmark, comprising:

at least one existing bookmark; and

a bookmark editor that receives a request to create a symbolic link to an already existing reference bookmark, identifies the already existing reference bookmark within the at least one existing bookmark in response to receiving the request, creates the symbolic link to the already existing bookmark, and links the symbolic link to the already existing reference bookmark.

37. The apparatus of claim 36, wherein the bookmark editor identifies the already existing reference bookmark by presenting the at least one existing bookmark and receiving a selection of the reference bookmark from the at least one existing bookmark.

38. The apparatus of claim 37, wherein the bookmark editor presents the at least one existing bookmark in a tree structure.

39. The apparatus of claim 38, wherein the bookmark editor receives the selection of the reference bookmark in the tree structure.

40. The apparatus of claim 38, wherein the bookmark editor displays a symbolic representation of the symbolic link in the tree structure.

41. An apparatus for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:

at least one existing bookmark folder; and

a bookmark editor that receives a request to create a symbolic folder link to an already existing reference bookmark folder, identifies the already existing reference bookmark folder within the at least one existing bookmark folder in response to receiving the request, creates the symbolic folder link to the already existing bookmark folder, and links the symbolic folder link to the already existing reference bookmark folder.

42. The apparatus of claim 41, wherein the bookmark editor identifies the already existing reference bookmark folder by presenting the at least one existing bookmark folder and receiving a selection of the reference bookmark folder from the at least one existing bookmark folder.

43. The apparatus of claim 42, wherein the bookmark editor presents the at least one existing bookmark folder in a tree structure.

44. The apparatus of claim 43, wherein the bookmark editor receives the selection of the reference bookmark folder in the tree structure.

45. The apparatus of claim 43, wherein the bookmark editor displays a symbolic representation of the symbolic folder link in the tree structure.

46. The apparatus of claim 45, wherein bookmarks added to the reference bookmark folder are displayed in relation to the symbolic representation of the symbolic folder link in the tree structure.

47. A computer program product, in a computer readable medium, for creating symbolic links to bookmarks, comprising:

instructions for receiving a request to create a new bookmark for a document;

in response to receiving the request, instructions for determining whether a reference bookmark already exists for the document;

instructions for creating a symbolic link if the reference bookmark for the document already exists; and

instructions for linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

48. A computer program product, in a computer readable medium, for creating symbolic links to bookmarks, comprising:

instructions for receiving a request to create a symbolic link for a document to an already existing reference bookmark;

in response to receiving the request, instructions for identifying the already existing reference bookmark;

instructions for creating the symbolic link to the already existing bookmark; and

instructions for linking the symbolic link to the already existing reference bookmark.

49. A computer program product, in a computer readable medium, for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:

instructions for receiving a request to create a symbolic folder link to an already existing reference bookmark folder;

in response to receiving the request, instructions for identifying the already existing reference bookmark folder;

instructions for creating the symbolic folder link to the already existing bookmark folder;

and

instructions for linking the symbolic folder link to the already existing reference bookmark folder.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.